IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33819 of 2008
GOPAL SINGH
Versus
THE STATE OF BIHAR

02/ 04.09.2008 Heard.

The renewal prayer is in a case under Section 376 etc. of the IPC. The allegation against the petitioner is that he forcibly committed rape upon the victim.

The contention is that the lady was habituated to sexual intercourse and that there was no sign of rape found by the doctor. It was further contended that it appears a case of consented intercourse, but for the reasons best known to the prosecutrix she came up with a complaint.

WEB COPY NOT OFFICIAL

I have gone through the FIR and on reading of the same, I do not find any element of artificiality in it. Besides, it appears to me that the lady, who could be habituated to sexual intercourse on account of carrying affairs or being married, as was contended, was raped forcibly. There might not be any sign of rape and the sign of injuries present, but the facts as narrated inspire confidence and considering that, I refuse to reconsider the earlier order of the court.

It is contended that the case has been committed.

The trial court shall expedite the hearing and conclude the same within a period of one year and six months from the date of receipt/production of the present order.

DKS/ **(Dharnidhar Jha, J)**

WEB COPY NOT OFFICIAL